

REMARKS

This Response is submitted in reply to the final Office Action dated August 17, 2006, issued in connection with the above identified application. Claims 1-10, 15-20 and 27-29 are pending in the present application. Claims 11-14 and 21-26 were previously canceled without prejudice. By this Response, claims 1 and 15 have been amended, and claims 30-33 have been added. No new matter has been introduced; thus, favorable reconsideration is respectfully requested.

At the outset, the Applicants thank Examiner Haq and his supervisor for granting the interview conducted with the Applicants' representative on December 18, 2006. During the interview, it was noted that the cited references fail to particular discuss the use of a *satellite resource allocation plan*. Additionally, it was further noted that *the capacity management unit* of the present invention includes the use of an *interface* for network operators to make requests for satellite resources, which is also not clearly described in the cited references. At the conclusion of the interview, the Examiner suggested adding features related to the interface to help further distinguish the present invention from the cited references. Additionally, the Examiner indicated that further consideration would be given to the use of a satellite resource allocation plan for determining satellite resource allocation.

Claims 1-6, 8-10, 15-20 and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montpetit (U.S. Patent No. 6,366,761, hereafter "Montpetit") in view of Gross (U.S. Application No. 2002/0009060, hereafter "Gross"). Claims 7 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Montpetit in view of Gross, and further in view of Arkko (U.S. Patent No. 6,744,737, hereafter "Arkko"). The Applicants respectfully traverse these rejections.

Although the Applicants maintain that the cited references fail to teach or suggest all the features presently recited in at least independent claims 1 and 15, the Applicants have amended independent claims 1 and 15 consistent with the Examiner's recommendation made during the interview on December 18, 2006, to expedite prosecution. Claims 1 and 15 have been amended to point out that *the capacity management unit includes the use of a plurality of network interfaces displayed to and accessible by the remote network operators for making requests for satellite resource allocation* (see, Applicants' Applications Figs. 3-5).

More specifically, claims 1 and 15 are directed to a system and method for providing an automated allocation of satellite resources, which include at least the use of a satellite resource allocation plan and a capacity management unit. The satellite allocation plan includes information related to the payload configuration over time, and the allocation of satellite capacity pools amongst a plurality of remote network operators at geographically distributed locations.

The capacity management unit includes a plurality of network interfaces that are displayed to and accessible by the remote operators, so that the capacity management unit can receive a capacity allocation plan from any one of the remote network operators. The capacity allocation plan is used for allocating the capacity of the pools assigned to remote network operators. The capacity management unit uses the information from the satellite resource allocation plan to determine whether a capacity allocation plan can be fulfilled. Based on this determination, the capacity management unit sends commands to a payload processor to modify the payload configuration to satisfy the requested capacity allocation. None of the cited prior art teaches or suggests the use of a satellite network allocation plan or a capacity management unit, as described above.

In the Office Action, the Examiner relies primarily on Montpetit in view of Gross for teaching or suggesting all the features in independent claims 1 and 15. The Examiner first points to Montpetit at col. 2, line 53 – col. 3, line 23 for rendering obvious the use of a satellite resource allocation plan. However, col. 2, line 53 – col. 3, line 23 of Montpetit merely describes the allocating of bandwidth in a satellite network. More specifically, a ground terminal transmits a request for bandwidth allocation to a servicing satellite, and *the uplink bandwidth is allocated based on a priority status assigned to data packets* to be transmitted. The priority status is used for transmitting higher priority data packets before data packets with lower priority. Thus, in Montpetit, the allocation is based on the priority status assigned to a data packet, and the priority status relates to the quality of service desired by the user requesting the allocation. Nowhere in this section is allocation of bandwidth determined based on referencing a satellite resource allocation plan that includes information related to payload, and the allocation of satellite capacity pools amongst a plurality of remote network operators.

Another deficiency in Montpetit relates to the use of the recited capacity management unit. This deficiency was noted by the Examiner in the Office Action (see, Office Action, page

3). More specifically, the Examiner correctly notes that Montpetit is "silent on the recited capacity management unit." Thus, independent claims 1 and 15 are believed to be distinguished over Montpetit for at least these reasons.

Although the Examiner relies on Gross for overcoming the deficiencies noted above in Montpetit, this reference still appears to fall short of the present invention. Gross teaches a satellite transceiver card for use in a communication system. The transceiver card can selectively adjust bandwidth allocation, and may also include adaptive circuitry. In the office Action, the Examiner points specifically to Gross at ¶42 for rendering obvious the use of a capacity management unit.

However, as claimed, the capacity management unit includes a plurality of network interfaces displayed to and accessible by remote operators, which provides the following primary functions: automatically (i) receiving a capacity allocation plan, via the network interface, from any one of the remote network operators requesting a capacity allocation within one or more capacity pools allocated to one network operator; (ii) determining whether the capacity allocation plan can be fulfilled based on a plurality of system constraints including the satellite resource allocation plan, and (iii) updating the satellite resource allocation plan based on results of the determination, and sending commands to a payload processor in order to modify the payload configuration to satisfy the capacity allocation plan.


Conversely, Gross at ¶42 describes only the use of an adaptive transceiver that requests uplink channel capacity, so that an uplink channel can be dynamically allocated to a user. Additionally, the only network interface described relates to an Internet link or a phone line, and there is no mention that these interfaces can be displayed to a user for requesting the allocation of satellite resources. Thus, Gross fails to teach or suggest use of the claimed satellite resource allocation plan as well as the features of the capacity management unit noted above.

Moreover, after a detailed review of Arkko, this reference also fails to overcome the deficiencies noted above in Montpetit and Gross. Therefore, even if one of ordinary skill in the art were to combine the teachings of Montpetit, Gross and Arkko, the combination still would not teach or suggest all the features recited in independent claims 1 and 15 (as amended). Thus, independent claims 1 and 15 are distinguished from the cited prior art for at least the reasons

noted above. Likewise, dependent claims 2-10, 16-20 and 27-29 are also distinguished over the cited prior art based on their dependency from independent claims 1 and 15

The Applicants, therefore, respectfully submit that all pending claims are in condition for allowance, and request that a timely Notice of Allowance be issued in this case. If any fees are due in connection with this application as a whole, the Director is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket number PD-200257 (115426-816) on the account statement.

Respectfully submitted,

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